

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED FINANCIAL CASUALTY
COMPANY, an Ohio corporation,

Plaintiff,

v.

BUSH ARCHITECTURAL EXCAVATING
CORP., an administratively dissolved
corporation; TERRY BUSH and LORI
BUSH, and their marital community, d/b/a
"BUSH ARCHITECTURAL
EXCAVATING"; JAMES BUSH and "JANE
DOE" BUSH, and their marital community;
DAVID DEMOOR, in his capacity as
Personal Representative of the Estate of
Pamela Sue Sellmer; L.A.S, a minor, through
her Litigation Guardian ad Litem; and
DANIEL GERARD, an individual resident of
Washington State.

Defendants.

Cause No. 2:19-cv-00327

~~[PROPOSED]~~ **DEFAULT JUDGMENT
AGAINST DEFENDANTS BUSH
ARCHITECTURAL EXCAVATING
CORP.; TERRY BUSH and LORI
BUSH; AND JAMES BUSH and "JANE
DOE" BUSH**

[CLERK'S ACTION REQUIRED]

This matter having come before the Court on Plaintiff United Financial Casualty Company's ("UFCC") Motion for Default Judgment against Defendants Bush Architectural Excavating Corp., Terry Bush, Lori Bush, James Bush, and "Jane Doe" Bush (collectively, "Defendants"), and the Court having considered the motion and all supporting documents hereby

GRANTS the Motion for Default Judgment and enters Judgment Defendants, as follows:

PROPOSED DEFAULT JUDGMENT - 1
No. 2:19-cv-00327

LEATHER & ASSOCIATES PLLC
1848 WESTLAKE AVENUE N, SUITE 100
SEATTLE, WA 98109
P: (206) 467-5444 F: (206) 467-5544

~~The limits for "bodily injury" liability under Policy No. 01536830-0 (the "Policy") issued by UFCC to Bush Architectural Esc. Co. ("Bush") are \$50,000 per person with a per accident aggregate limit of \$100,000. The limit for property damage liability under the Policy is \$25,000 per accident.~~

~~With regard to the February 25, 2018 automobile accident that forms the basis of the matter entitled *David Demoor, et al. v. Northwest Pole Structures, LLC, et al.* (the "Underlying Lawsuit"), King County Cause No. 19-2-03706-7, UFCC has no indemnity obligations under the Policy beyond the limits for "bodily injury" liability of \$100,000 per accident and for "property damage" liability of \$25,000 per accident. UFCC has no defense obligations under the UFCC Policy upon payment on behalf of Bush of the limits in satisfaction of any settlement, judgment, or award relating to the accident that is the subject of the Underlying Lawsuit. Indemnification of Bush in the amount of the full limits of liability under the Policy will fulfill all of UFCC's obligations under the Policy with regard to the accident that is the subject of the Underlying Lawsuit, whether the claims for which UFCC provides indemnification are included within the Underlying Lawsuit or not.~~

SO ORDERED this 25th day of May, 2019.


JUDGE | COURT COMMISSIONER

Presented by:
LEATHER & ASSOCIATES, PLLC

By: /s/ Eric J. Neal
Eric J. Neal, WSBA # 31863
LEATHER & ASSOCIATES, PLLC
1848 Westlake Avenue N. Suite 100
Seattle, WA 98109
Attorney for Plaintiff

PROPOSED DEFAULT JUDGMENT - 2
No. 2:19-cv-00327

LEATHER & ASSOCIATES PLLC
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SEATTLE, WA 98109
P: (206) 467-5444 F: (206) 467-5544

CERTIFICATE OF SERVICE

The undersigned hereby certifies under the penalty of perjury under the laws of the State of Washington that on this date I caused to be served in the manner noted below a true and correct copy of the foregoing on the parties mentioned below as indicated:

Michael R. McKinstry
Jan P. Olson
Ellis, Li & McKinstry, PLLC
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Attorneys for Defendant Gerard

By: ☐ First Class Mail ☒ ECF ☐ Legal Messenger

DATED this 13th day of May, 2019 at Seattle, Washington.

/s/ Lina Wiese
Lina Wiese, Paralegal